

Article - Environment

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§6–825.

(a) A person who intends to acquire, through an arm's length transaction, inheritance, tax sale, foreclosure, or judicially approved transfer, an occupied affected property that is in violation of § 6–815, § 6–817, or § 6–819 of this subtitle may submit to the Department an application for a compliance plan.

(b) (1) The application for a compliance plan shall:

(i) Be submitted and received by the Department at least 30 days before transfer of legal title to the occupied affected property; and

(ii) Be on a form provided by the Department that includes, for each occupied affected property, the following information:

1. The transferee's name, address, and telephone number;

2. The transferor's name and address;

3. A statement certifying that neither the transferee nor any officer or director of the transferee has a current interest, either individually or jointly, in the occupied affected property;

4. The type and scheduled date of transfer;

5. The address of the occupied affected property including, for a multifamily-occupied affected property, each unit in the property; and

6. Whether a person at risk resides in the occupied affected property.

(2) The Department may require any additional information that it considers appropriate.

(3) An application fee of \$200 for each occupied affected property and each occupied unit in a multifamily affected property, not to exceed \$10,000, shall be submitted to the Department with the application.

(c) (1) Within 20 days of receipt of the application for a compliance plan, the Department shall:

- (i) Approve the compliance plan, in whole or in part;
- (ii) Deny the compliance plan, in whole or in part; or
- (iii) Request additional information.

(2) The Department may deny an application for a compliance plan for an occupied affected property based on the following factors:

- (i) Failure to submit or timely submit a complete application;
- (ii) Failure to submit or timely submit information requested by the Department;
- (iii) The existence of prior violations by the transferee of the provisions of this subtitle or applicable regulations;
- (iv) Prior extension of the compliance deadline under subsection (d) of this section for an affected property;
- (v) Potential or actual harm to the environment or to human health or safety; and
- (vi) Any other factor the Department considers appropriate.

(d) (1) This subsection applies to an occupied affected property in which a person at risk does not reside.

(2) Subject to subsection (e) of this section, if an application for a compliance plan is approved, the transferee shall file with the Department an inspection report as proof that the risk reduction standard specified in § 6–815 of this subtitle has been satisfied, or an inspection report in accordance with § 6–804 of this subtitle, for each occupied affected property that has not satisfied the requirements of § 6–815, § 6–817, or § 6–819 of this subtitle within the following time frames:

- (i) Within 30 days after transfer of legal title for a transferee acquiring 1 occupied affected property;
- (ii) Within 90 days after the transfer of legal title for a transferee acquiring 2 to 5 occupied affected properties;

(iii) Within 135 days after the transfer of legal title for a transferee acquiring 6 to 10 occupied affected properties; or

(iv) Within 180 days after the transfer of legal title for a transferee acquiring more than 10 occupied affected properties.

(e) (1) This subsection applies to an occupied affected property in which a person at risk resides.

(2) Notwithstanding the status of an application for a compliance plan, the transferee shall file with the Department an inspection report as proof that the risk reduction standard specified in § 6–815 of this subtitle has been satisfied, or an inspection report in accordance with § 6–804 of this subtitle, for each occupied affected property that has not satisfied the requirements of § 6–815, § 6–817, or § 6–819 of this subtitle within 30 days after transfer of legal title.

(f) A compliance plan for an occupied affected property under this section is void unless within 15 days following transfer of the occupied affected property subject to the compliance plan, the transferee files with the Department:

(1) Documentation satisfactory to the Department of the transfer of legal title;

(2) A statement certifying that, prior to or within 15 days of transfer of legal title, the transferee provided the tenants of the occupied properties with the notice of tenant's rights and lead poisoning information packet required by §§ 6–820 and 6–823 of this subtitle; and

(3) A statement certifying that within 15 days of transfer of legal title, the transferee registered the occupied affected properties with the Department in accordance with §§ 6–811 and 6–812 of this subtitle.

(g) If the Department determines that any information provided in an application for a compliance plan or required in subsection (f) of this section was erroneous or incomplete, the Department may declare the compliance plan void in whole or in part.

(h) This section does not affect an owner's obligation to comply with §§ 6–815 and 6–819(c) and (d) of this subtitle that arises after legal title to the affected property is transferred.

(i) Subject to subsections (h) and (j) of this section, if the Department approves a compliance plan, an affected property subject to the compliance plan shall

be considered in compliance with §§ 6–815, 6–817, and 6–819 of this subtitle as of the day of the date of transfer.

(j) If the person who acquired an occupied affected property that does not satisfy the requirements of § 6–815, § 6–817, or § 6–819 of this subtitle fails to comply with the terms of an approved compliance plan, the affected property shall be considered to be noncompliant with § 6–815 of this subtitle from the date legal title to the affected property was transferred to the person.

(k) The Department may adopt regulations to carry out this section.

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